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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,441	11/01/2000	Nobuyuki Kihara	450106-02418	8620
20999	7590	09/08/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SHIN, KYUNG H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 09/08/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/674,441
Filing Date: November 01, 2000
Appellant(s): KIHARA ET AL.

Arthur A. Smith
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/26/06 appealing from the Office action
mailed 10/28/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6011858	Stock et al.	1-2000
5682549	Tanaka et al.	10-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

1. This action is responding to application filed 11/1/2000 with foreign priority 3/3/1999 in Japan. Claims **1-4, 16** are pending. Claims **5 - 15** have been canceled. Independent claims are **1, 16**.

Claim Rejection - 35 USC § 103

The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims **1 - 4, 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stock et al.** (US Patent No. 6,011,858) in view of **Tanaka et al.** (US Patent No. 5,682,549).

Regarding Claim 1 (Currently Amended), Stock discloses a data processing apparatus, comprising:

- b) memory means for storing move/copy history indicative of the movement of a particular file when the particular file is moved/copied from said large capacity memory means to a non-volatile memory; (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information maintained)
- c) reference means for referencing the history information stored in said memory means when the particular file is moved/copied from said large capacity memory means to the non-volatile memory; (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information maintained)
- d) control means for prohibiting the particular file from being moved/copied from said large capacity memory means to the non-volatile memory when said reference means has detected that the history information is stored in said memory means. (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information maintained)

Stock discloses an application file structure with information equivalent to applicant's move (i.e. delete, write functions), copy (i.e. read, write functions) and transaction tracking information (i.e. history) function. (see Stock col. 3, lines 1-5; col. 4, lines 28-36; col. 3, line 67 - col. 4, line 4: file directory, contents management information) Stock's description of information displayed in the reference's application file structure information is equivalent to applicant's description of the information contained in the move, copy, history retrieved from memory or smart card (i.e. reference's IC card). Stock discloses that the information listing displays a current and updated listing of the information stored in the memory card. Stock discloses describing a move, copy, history which is generated by the usage of standard information programming and processing concepts. Stock does not specifically disclose a plurality of files in a large capacity data file storage means. However, Tanaka discloses:

- a) a large capacity memory means for storing a plurality of files (see Tanaka col. 19, lines 56-63: multiple files stored for manipulation)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stock to utilize the storage of multiple files (i.e. database) as taught by Tanaka. One of ordinary skill in the art would be motivated to employ Tanaka in order to optimize the storage and management of digital (i.e. media type) data within a network environment. (see Tanaka col. 2, lines 13-15: "*... easily store image data in a memory device connected to the network, manage the image data, or take out the image data ...*")

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Regarding Claim 2, Tanaka discloses the data processing apparatus as set forth in claim 1, wherein files stored in said large capacity memory means have been compressed corresponding to a predetermined compressing method. (see Tanaka col. 13, lines 23-25: efficient data storage achieved by utilization of compression techniques)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stock to utilize compression techniques in the optimization of data storage as taught by Tanaka. One of ordinary skill in the art would be motivated to employ Tanaka in order to optimize the storage and management of digital (i.e. media type) data within a network environment. (see Tanaka col. 2, lines 13-15)

Regarding Claim 3, Tanaka discloses the data processing apparatus as set forth in claim 1, wherein files stored in said large capacity memory means have been encrypted corresponding to a predetermined encrypting method. (see Tanaka col. 13, lines 18-20; col. 11, lines 15-17: secure data storage achieved by utilization of encryption techniques)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stock to utilize encryption techniques in the secure storage of data as taught by Tanaka. One of ordinary skill in the art would be motivated to employ Tanaka in order to achieve secure storage and optimize the management of digital (i.e. media type) data within a network environment. (see Tanaka col. 2, lines 13-

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15)

Regarding Claim 4, Stock discloses the data processing apparatus as set forth in claim 1, wherein said memory means is composed of a flash memory. (see Stock col. 3, lines 64-67: smart card, nonvolatile (i.e. flash) memory)

Regarding Claim 16 (Currently Amended), Stock discloses a data processing method, comprising the steps of:

- a) storing move/copy history indicative of the movement of a particular file when the particular file is moved/copied from a large capacity memory that stores a plurality of files to a non-volatile memory; (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information)
- b) referencing the history information stored in the memory when the particular file is moved/copied from the large capacity memory to the non-volatile memory; (see Stock col. 3, line 67 - col. 44, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information)
- c) prohibiting the particular file from being moved/copied from the large capacity memory to the non-volatile memory when the history information is stored in the

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memory. (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information)

(10) Response to Argument

A. Claims **1 - 4 and 16** stand rejected under 35 U.S.C. 103(a) as being unpatentable over **Stock et al.** (U.S. Patent No. **6,011,858**) in view of **Tanaka et al.** (US Patent No. **5,682,549**).

A.1. The referenced prior art does not disclose “... *a memory means for storing move/copy history indicative of movement of a particular file* (see Appeal Brief Page 4, Lines 17-18); “... *a reference means for referencing the history information ...* “ (see Appeal Brief Page 4, Line 18-19)

A.2. The referenced prior art does not disclose “... *Examiner misapplies and misinterprets the disclosure of Storck ...* “ (see Appeal Brief Page 5, Lines 13-14) ; “... *the teaching of a memory means for storing move/copy history indicative of the movement of a particular file ...* “ (see Appeal Brief Page 5, Lines 14-16)

A.3. The referenced prior art does not disclose “... *prohibiting the particular file from being moved/copied from said large capacity memory means to the non-volatile memory when said reference means has detected that the history information is stored*

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in memory means ... “(see Appeal Brief Page 8, Lines 14-17; Page 9, Lines 9-12); “ ... control means for prohibiting the particular file from being move/copied ... when said reference means has detected that the history information is stored in said memory means ... “ (see Appeal Brief Page 4, Line 20 - Page 5, Line1)

Examiner Response to Argument dated May 26, 2006

The Examiner's Rejection is proper given that the cited passages of **Storck (6,011,858)** and **Tanaka (5,682,549)** disclose the applicant's claimed invention.

As to Point A.1.:

The Storck (6,011,858) prior art discloses a memory means (see Storck col. 3, line 76 - col. 4, line 4) for the storage of digital data and Tanaka discloses a memory means (see Tanaka col. 3, lines 53-55) for the storage of digital data.

The Storck prior art discloses (see Storck col. 4, lines 56-59) the capability to reading or writing (move or copy) of digital data within a file structure. The information specific to a user or move/copy information for a particular user is stored and maintained on the card. (see Storck col. 3, lines 64-62; col. 4, lines 28-36) Data management information or transaction information is equivalent to history information.

The Storck (6,011,858) prior art discloses a reference means for the storage and manipulation of file move and copy history information within a file structure. By definition, a transaction is an activity or request. Typical transactions are considered to

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be an order, purchase, change, addition and deletion. These types of transactions update one or more master files and serve as both an audit trail and history for future analyses. (1. <http://www.answers.com/transaction&r-67>)

The Storck (6,011,858) prior art discloses the manipulation of information specific to a transaction. The Storck (6,011,858) prior art discloses that the information can be for other type of information applications then strictly credit card transactions. (see Storck col. 2, lines 50-54; col. 5, line 66 - col. 6, line 1: information processing application, move/copy file structure information) This is equivalent to the move/copy information indicated in the applicant's invention, which discloses a move or copy of a file and the storage of information to identify the action and provide a history of the completed operation or transaction. (see Storck col. 4, lines 28-36: processing user information) The Storck (6,011,858) prior art discloses an application file structure for storing personal information for user transactions. The transaction can be a copy (i.e. addition) or a move (i.e. delete, addition) operation for a file, which is a user initiated transaction. The move, copy history information is the transaction information processed and stored. Therefore, the Storck (6,011,858) prior art discloses the equivalent claim limitation as the applicant's invention.

In addition, the Tanaka (5,682,549) prior art discloses wherein check determinations are completed to check conditions within the data management system and whether to input or output digital data. (see Tanaka col. 15, lines 4-8)

As to Point A2:

The Stork prior art does not misapply or misinterpret the applicant's invention. The applicant's invention discloses the storage and manipulation of file directory structure information. The Storck prior art discloses (see Storck col. 4, lines 56-59) the capability to reading or writing (move or copy) of digital data within a file structure. The information specific to a user or move/copy information for a particular user is stored and maintained on the card. (see Storck col. 3, lines 64-62; col. 4, lines 28-36)

The Stock (6,011,858) prior art discloses the storage of data. The move/copy history information is also data and can be considered a transaction. This particular data is a set of data structures consisted of multiple fields containing information concerning times, dates, filenames indicating the particular file(s) which are moved/copied utilizing this particular data structure. These data structures (i.e. transactions) encompass the history information. (see Stock col. 3, lines 1-5: file structure ; col. 4, lines 33-36; col. 4, lines 56-59: storage of data ; col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36: equivalent to move/copy history information, information written (i.e. copy), revised (i.e. move), and a transaction (i.e. history) information)

As to Point A.3.:

The Stock (6,011,858) prior art discloses a file directory consisting of data structures. These data structures consist of multiple fields containing information with an indication of whether it is history information. A check of the file directory can indicate whether this particular data structure exists. If no history information exists, the particular file cannot be moved/copied. (see Stock col. 3, lines 1-5: file structure ; col.

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4, lines 33-36; col. 4, lines 56-59: storage of data ; col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory structure, information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information)

Conclusion:

The applicant's invention discloses the usage of a file directory structure for the manipulation and management of digital data. This is a function well known in the art, is not a novel idea, and is obvious to anyone skilled in the art.

And, the applicant's invention discloses the usage of data access and data management functions within a file structure. This is a function well known in the art, is not a novel idea, and is obvious to anyone skilled in the art. The applicant's invention utilizes functions well known in the art. Therefore, there is nothing novel about the applicant's invention. The applicant's invention discloses to capability to access and manipulate a file structure element, digital data, or history element in the determination of a parameter value, which is used to determine a procedural path (i.e. not to perform a move/copy function, if history information exists within a file structure). This is a function well known in the art, is not a novel idea, and is obvious to anyone skilled in the art. There are no novel features to applicant's invention. Applicant's invention is an obvious application of existing technology.

In conclusion, the examiner has considered the applicant's remarks concerning management of history information for content.

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After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current set of prior art consisting of Storck (6,011,858) and Tanaka (5,682,549) discloses the applicant's invention including disclosures in Appeal Brief dated May 26, 2006.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

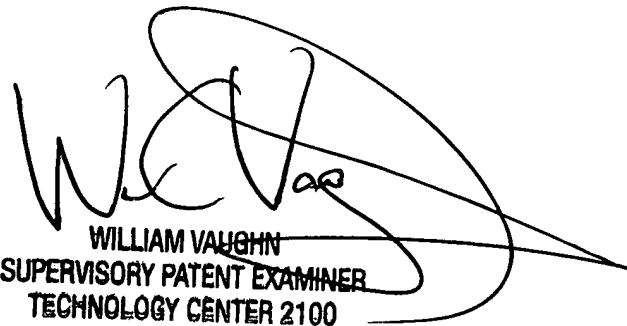
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